

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**
Pittsburgh Division

IN RE:
Benito Rojas

KeyBank, N.A.,
Movant

vs.

Benito Rojas ,
Debtor
and

Ronda J. Winnecour
Respondent

Case No. 24-22690-JAD
Chapter 13

Hearing Date: March 10, 2025

Hearing Time: 11:00 AM

**OBJECTION TO CONFIRMATION
OF DEBTOR'S CHAPTER 13 PLAN**

KeyBank, N.A. ("Movant"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtor's Chapter 13 Plan* (Doc 27), and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on November 1, 2024.
2. Movant holds a security interest in the Debtor's real property located at 5900 Babcock Blvd, Unit 41, Ross, PA 15237 (the "Property"), by virtue of a Mortgage.
3. The Debtor filed a Chapter 13 Plan (the "Plan") on December 20, 2024 (Doc 27).
4. Movant filed a Proof of Claim in this case on November 27, 2024 (Claim No. 3)

which lists a total debt of \$52,206.03.

5. The Plan includes payments toward the Note and Mortgage with Movant, however the figures used by the Debtor are inaccurate and do not conform to Movant's timely-filed Proof of Claim. The correct pre-petition arrearage due Movant is \$23,044.51, whereas the Plan proposes to pay \$0.00.

6. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed.

7. Movant objects to any plan which proposes to pay it anything less than \$23,044.51 as the pre-petition arrearage over the life of the plan.

WHEREFORE, Movant respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Movant as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Mario Hanyon

Andrew Spivack, PA Bar No. 84439

Matthew Fissel, PA Bar No. 314567

Mario Hanyon, PA Bar No. 203993

Ryan Starks, PA Bar No. 330002

Jay Jones, PA Bar No. 86657

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**CERTIFICATE OF SERVICE OF OBJECTION TO CONFIRMATION OF DEBTOR'S
CHAPTER 13 PLAN**

I certify under penalty of perjury that on this day, I served or caused to be served the OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN on the parties at the addresses shown below or on the attached list.

The type(s) of service made on the parties (first-class mail, electronic notification, hand delivery, or another type of service) was:

Via CM/ECF electronic notice:

Brian C. Thompson, Esq.
301 Smith Drive
Suite 6
Cranberry Township, PA 16066
Counsel for Debtor

Ronda J. Winnecour
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219
Chapter 13 Trustee

Office of the United States Trustee
1000 Liberty Avenue
Suite 1316
Pittsburgh, PA 15222
US Trustee

Via First Class Mail:

Benito Rojas
5900 Babcock Blvd #41
Pittsburgh, PA 15237
Debtor

If more than one method of service was employed, this certificate of service groups the parties by the type of service. For example, names and addresses of parties served by electronic notice will be listed under the heading "Via CM/ECF electronic notice" and those served by mail will be listed under the heading "Via First Class Mail".

EXECUTED ON: January 9, 2025

/s/Mario Hanyon
Andrew Spivack, PA Bar No. 84439
Matthew Fissel, PA Bar No. 314567
Mario Hanyon, PA Bar No. 203993
Ryan Starks, PA Bar No. 330002
Jay Jones, PA Bar No. 86657
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PAWB Local Form 7 (07/13)